

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RICHARD CAPRI,

Plaintiff,

v.

STEVE SISOLAK, *et al.*,

Defendants.

Case No. 3:22-cv-00514-MMD-CLB

ORDER

On January 31, 2023, the Court dismissed this case without prejudice due to Plaintiff's failure to file a fully complete application to proceed *in forma pauperis* or pay the full \$402 filing fee in compliance with the Court's earlier order. (ECF No. 4.) The Clerk of Court entered judgment that same day. (ECF No. 5.)

On February 24, 2023, Plaintiff filed both a motion to reopen his case (ECF No. 6) and an application to proceed *in forma pauperis* (ECF No. 7). In the motion to reopen, Plaintiff states that, on December 26, 2022, he sent a brass slip to prison accounting to pay the full filing fee and the postage. (ECF No. 6 at 1.) Prison accounting is currently researching the issue but stated that they do not have a copy of Plaintiff's brass slip for the filing fee even though they used the brass slip to place postage. (*Id.*) Plaintiff asks that the Court reopen this case with his application to proceed *in forma pauperis* but states that he is going to send the full \$402 and does not want to use the *in forma pauperis* application. (*Id.*)

The Court is in receipt of Plaintiff's application to proceed *in forma pauperis* (ECF No. 7) but notes that it is on the wrong form and missing the required attachments. The Court denies the application without prejudice.

The Court defers a decision on the motion to reopen (ECF No. 6) and grants Plaintiff until April 24, 2023, to pay the full \$402 filing fee for this case. Once Plaintiff pays

1 the \$402 filing fee, the Court will grant the motion to reopen the case and screen Plaintiff's
2 Complaint (ECF No. 1-1).

3 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No.
4 7) is denied without prejudice.

5 It is further ordered that the Court defers a decision on the motion to reopen case
6 (ECF No. 6).

7 It is further ordered that Plaintiff will pay the full \$402 filing fee for this action on or
8 before April 24, 2023. If Plaintiff pays the full filing fee by that deadline, the Court will grant
9 the motion to reopen the case. If Plaintiff does not pay the full filing fee by that deadline,
10 the Court will deny the motion to reopen the case.

11 DATED THIS 8th Day of March 2023.

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15 MIRANDA M. DU
16 CHIEF UNITED STATES DISTRICT JUDGE
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